

CITY OF PITTSBURGH

Department of Law

William Peduto, Mayor

Celia B. Liss, Open Records Officer

August 6, 2019

Freddy Martinez
MuckRock.com
Dept MR 76465
411A Highland Ave
Somerville, MA 02144-2516

RE: RTK No. 07-03-2019

Dear Mr. Martinez:

On July 2, 2019, the City of Pittsburgh Open Records Office received your written request for records pursuant to the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §67.101 *et seq.* Your specific request is as follows:

Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.

This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.

Responsive materials include but are not limited to:

- 1. Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements*
- 2. Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question*
- 3. Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.*
- 4. Financial records: purchase orders, invoices, and other memoranda and documentation.*
- 5. Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology*
- 6. Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes. Any memoranda of understanding*

between this agency and other agencies to share data, access remote systems or other forms of information sharing with external agencies.

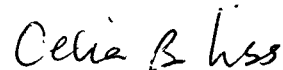
7. *Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology. Documents, should they exist, about training for bias in the use of facial recognition technology.*
8. *Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.*
9. *Validation and accuracy: Records, reports, audits, and other documents sufficient to describe validation, accuracy, reliability, and policy compliance of the system.*

Please limit the search to records produced from January 1, 2017 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials.

Upon investigation, I have determined that the City is not in possession of the requested records and your request is denied in its entirety. To the extent anything requested does not exist, the RTKL instructs that the City is not required to create records which do not currently exist. See 65 P.S. §67.705. Additionally, nothing in the RTKL shall be construed to modify, rescind or supersede any of the City's record retention policies. See 65 P.S. §67.507.

If you feel that any aspect of this response to your request is in error, you may take an appeal by writing to Erik Arneson, Executive Director, Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101. If you wish to take an appeal, you must do so within fifteen (15) business days of the date of this letter. See 65 P.S. §67.1101.

Sincerely,



Celia B. Liss
Open Records Officer

CBL/emh